IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 18657 OF 2007(U)

PETITIONER:
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1. D.RUGMINI PILLAI, AGED 66 YEARS,
D/O. PRATHIBHA, T.C.29/1746, AIRPORT ROAD,
THIRUVANANTHAPURAM.

2. MS. JASMINE RAJESH, AGED 42 YEARS,
W/O. MR. RAJESH, KUMARAMANGALAM, EASWARAVILASAM
ROAD, THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR
SRI.A.ABDUL KHARIM

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY, THIRUVANANTHAPURAM.

3. THE ASSISTANT COMMISSIONER OF POLICE,
SHANGUMUGAM, THIRUVANANTHAPURAM.

4. THE CIRCLE INSPECTOR OF POLICE,
PETTAH, THIRUVANANTHAPURAM.

5. THE SUB INSPECTOR OF POLICE,
VANCHIYOOR POLICE STATION, VANCHIYOOR,
THIRUVANANTHAPURAM.

6. MRS. SUBHA NAIR, W/O. PARAMESWARAN NAIR,
T.C.36/912, T.C.36/913, LEKSHMI PRABHAS,
PERUNTHANNI, VALLAKADAVU P.O.,THIRUVANANTHAPURAM-8

7. MR.C.K.RADHAKRISHNAN, T.C.NO.29/1785,
`UMASREE', T.R.SUKUMARAN NAIR ROAD,
VALLAKADAVU P.O., THIRUVANANTHAPURAM.

8. SRI.KRISHNAN NAIR, PRESIDENT,
THIRUVANANTHAPURAM CITIZENS PROTECTIONS FORUM,
UTLSAVA MADOM NAGAR (PADMA NAGAR), FORT,
THIRUVANANTHAPURAM - 23.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.M.RAJASEKHARAN NAYAR
SMT.ANILA PETER
SMT.MANJUSHA MOHANDAS

GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1	TRUE COPY OF THE BUILDING PERMIT DATED 8.5.2007.
EXT.P2	TRUE COPY OF THE NOC DATED 12.1.2007 ISSUED BY THE AIRPORT AUTHORITY OF INDIA.
EXT.P3	TRUE COPY OF THE NOC ISSUED BY THE DIRECTOR, FIRE AND RESCUE SERVICES DATED 20.1.2007.
EXT.P4	TRUE COPY OF COMPLAINT TO POLICE AUTHORITY.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & K. HEMA, JJ.
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W.P.(C) NO. 18657 OF 2007
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DATED THIS, THE 2ND DAY OF JULY, 2007.

J U D G M E N T

Raman, J.

Petitioners have obtained Ext.P1 permit from the Corporation of Thiruvananthapuram for the purpose of construction of a building. It appears that Ext.P2 No Objection Certificate issued by the Airport authorities. Respondents 6 and 7 are neighbors of the property. True that there is no boundary dispute. However, according to them, the permit obtained by the petitioners are based on suppression of facts and that since the permit itself is issued contrary to the rules, they are agitating the matter before the statutory authorities. At present the matter is pending consideration before the competent Tribunal constituted under the Local Self Government Authorities Act.

2. In view of the dispute pending adjudication before the competent tribunal, the question as to whether the permit itself was validly issued need not be decided in this proceeding and the same is left open to be decided by the authorities concerned. However, so long as the license is not cancelled and since there is no orders issued by any statutory authority interdicting the construction of the building, there cannot be any physical obstruction caused to the work. Respondents 6 and 7 would submit that

they are not causing any obstruction to such work. 8th respondent is the President of the Association. According to the 8th respondent, they are also not causing any physical obstruction.

3. In the circumstances, Respondents 4 and 5 shall see that there is no physical obstruction caused to the construction of the building based on Ext.P1permit so long as there is no orders prohibiting the construction work by the petitioner, issued by any statutory authorities. Thus, the appellate authority before whom the dispute is pending regarding the validity of the permit, can proceed with the same in accordance with law, untrammeled by any observation made by us in this judgment.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-